

**CHARTER
OF
THE CITY OF SHELBY**

PREAMBLE

WE, THE PEOPLE OF THE CITY OF SHELBY, COUNTY OF TOOLE, STATE OF MONTANA, in accordance with Article XI, Section 5 of the Constitution of Montana, do hereby adopt this Charter.

**ARTICLE I
POWERS OF THE CITY**

Section 1.01 Powers of the City of Shelby

The City of Shelby shall have all powers not prohibited by the Constitution of Montana, the laws of Montana, or this Charter.

Section 1.02 Interpretation of Powers

The powers and authority of this city shall be liberally construed. Every reasonable doubt as to the existence of a city power or authority shall be resolved in favor of the existence of that power or authority.

Section 1.03 Restrictions

1. The mill levy shall be limited to that of Montana municipal governments with general government powers, except with the prior approval of a majority of the electors voting on the question in a general or special municipal election.

2. There shall be no new tax or fee levied, except with the prior approval of a majority of the electors voting on the question in a general or special municipal election.

3. With the exception of fees for city operated utilities, no city tax or fee shall be increased by more than two (2) percent in any fiscal year except with the prior approval of a majority of the electors voting on the question in a general or special municipal election. Following a public hearing, fees for city operated utilities may be increased as necessary to meet the funding requirements established by law.

Section 1.04 Charter Supremacy

As provided by Article XI, Section 5 of the Constitution of Montana, provisions herein establishing executive, legislative and administrative structure and organization are superior to statutory provisions.

ARTICLE II LEGISLATIVE BRANCH

Section 2.01 City Council

The legislative branch shall consist of the city council which shall be the governing body of the city.

Section 2.02 Qualifications for Office

Every resident of the City of Shelby who is 18 years of age or older, a citizen of Montana and a qualified elector pursuant to Article IV, Section 2 of the Montana Constitution is eligible to hold the office of council member for the district in which he or she resides.

Section 2.03 Composition

The City of Shelby shall have a city council of six (6) members, two of whom shall be elected from each of three (3) districts.

Section 2.04 Term of Office

Members of the council shall be elected for four (4) year overlapping terms of office.

Section 2.05 Election

Local government elections shall be conducted on a nonpartisan basis. Council members shall be elected by districts in which candidates must reside and which are apportioned by population. One council member from each district shall be elected every two (2) years.

Section 2.06 Division of the City into Districts

Following each decennial federal census, the city council shall cause the city to be divided into three districts as compact and equal in population as possible.

Section 2.07 Chairman of the Council

The council shall have a chairman who shall be elected by the members of the council from their own number for a term established by ordinance. The chairman of the council shall vote as other council members and preside when the mayor is absent.

Section 2.08 Vacancy in Office

The office of council member becomes vacant as prescribed by law.

Section 2.09 Removal from Office

A council member may be removed from office by a finding, adopted by the affirmative vote of four (4) council members that the office has become vacant as prescribed by law, or by the recall of the council member by the electors of Shelby, as prescribed by law.

Section 2.10 Filling Vacancy on Council

When a vacancy occurs in the office of council member, the position shall be considered open and subject to nomination and election at the next general municipal election, except the term of office shall be limited to the unexpired term of the person who originally created the vacancy. Pending such election and qualification the council shall appoint within 30 days of the vacancy, by the affirmative vote of four (4) council members, a qualified resident of the district where the vacancy occurs to hold the office until the successor is elected and qualified.

Section 2.11 Powers and Duties

The Council shall be the legislative and policy determining body of the city. All powers of the city shall be vested in the city council except as otherwise provided by law or this Charter, and the council shall provide for the exercise thereof and for the performance of all duties and obligations imposed by law or this Charter.

Section 2.12 Legislative Action

The affirmative vote of at least three (3) members of the council shall be required for all official actions of the council. A minimum of four (4) council members must be present when official actions are taken by the council. The council may override the mayor's veto with four (4) affirmative votes of the council.

Section 2.12 Restrictions on the Council

Except where authorized by law, no council member shall hold any other city office or city employment for compensation.

Section 2.12 Procedure

The council shall establish its rules of procedure and time and place of meetings by resolution.

**ARTICLE III
EXECUTIVE BRANCH**

Section 3.01 The Mayor

The mayor shall be the chief executive and administrative officer of the city.

Section 3.02 Qualifications for Office

Every resident of the City of Shelby who is 21 years of age or older and a citizen of Montana for three (3) years, and a resident of the City of Shelby for at least two years preceding the election to office is eligible to hold the office of mayor.

Section 3.03 Term of Office

The mayor shall be elected for a four (4) year term of office.

Section 3.04 Election

The mayor shall be nominated and elected at-large on a nonpartisan basis.

Section 3.05 Vacancy in Office

The office of mayor becomes vacant as prescribed by law.

Section 3.06 Removal from Office

The mayor may be removed from office by a finding, adopted by the affirmative vote of four (4) council members that his or her office has become vacant as prescribed by law, or by the recall of the mayor by the electors of Shelby, as prescribed by law.

Section 3.07 Filling Vacancy of Mayor

When a vacancy occurs in the office of mayor, the position shall be considered open and subject to nomination and election at the next general municipal election, except the term of office shall be limited to the unexpired term of the person originally creating the vacancy. Pending such election and qualification the council shall appoint within 30 days of the vacancy, by the affirmative vote of four (4) council members, a qualified resident to hold the office until the successor is elected and qualified.

Section 3.08 Powers and Duties

The mayor shall:

1. enforce laws, Charter, ordinances, and resolutions;
2. perform duties required of him by law, Charter, ordinance or resolution;

3. administer affairs of the city government;
4. carry out policies established by the council;
5. recommend measures to the council;
6. report to the council on the affairs and financial condition of the city government;
7. execute bonds, notes, contracts, and written obligations of the council, subject to the approval of the council;
8. report to the council as the council may require;
9. preside at council meetings and may take part in discussion;
10. execute the budget adopted by the council;
11. appoint, with the consent of the council, all members of boards; except the mayor may appoint without the consent of the council temporary advisory committees established by the mayor.

Section 3.09 Administrative Duties

The mayor may:

1. prepare the budget in consultation with the council and department heads;
2. appoint one or more administrative assistants to assist in the supervision and operation of the city government, and such administrative assistants shall be answerable solely to the mayor;
3. appoint, with the consent of the council, all department heads and remove department heads and may appoint and remove all other department employees;
4. exercise control and supervision of all departments and boards.

Section 3.10 Legislative Authority

1. The mayor shall decide all tie votes of the council, but shall have no other vote. 2. The mayor may veto ordinances and resolutions, subject to override by the affirmative vote of four (4) members of the council.

Section 3.11 Compensation

The compensation of the mayor shall be set by ordinance of the city council.

ARTICLE IV JUDICIAL BRANCH

Section 4.01 City Court

There shall be a city court as provided by law.

ARTICLE V DEPARTMENT STRUCTURE

Section 5.01 Organization of Departments

The organization of city departments shall be prescribed by ordinance.

**ARTICLE VI
GENERAL PROVISIONS**

Section 6.01 Amendment of Charter

This Charter may be amended only as prescribed by law.

Section 6.02 Effective Date

This Charter shall become effective on January 1, 1997.

Section 6.03 Oath of Office

Before assuming the duties of office, all elected city officials shall take and subscribe to the oath of office as prescribed in Article III, Section 3 of the Constitution of Montana.

Section 6.04 Severability

If any provision of this Charter is held invalid, the other provisions of this Charter shall not be affected thereby. If the application of the Charter, or any part of its provisions, to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

**ARTICLE VII
TRANSITIONAL PROVISIONS**

Section 7.01 General Transition

Transition to this charter form of government shall be as prescribed by law. The Shelby Study Commission shall provide for such transition with an advisory plan consistent with law. The provisions of this transition article shall not be published as part of the Charter after January 1, 1998.

Section 7.02 Continuation in Office

No current city employee or elected official currently holding a city office will lose employment or elected position solely because of the adoption of this Charter . Existing elected officials may continue in office until the end of the term for which they were elected.

Section 7.03 Review of Existing Ordinances

All city ordinances, resolutions and rules of the City of Shelby shall remain in effect until reviewed, revised or repealed by the city council. The city council shall review and, where necessary, revise or repeal all city ordinances to provide for compliance and consistency with this Charter and state law no later than January 1, 1998.

We the Shelby Study Commission do hereby certify that this is the proposed plan of government approved by the Shelby Study Commission

SEAL

In testimony whereof, we set our hands.

Done at Shelby this ___ day of _____, 1996.

ATTEST: _____
Joanne Wright, City Clerk

Kevin Watterud, Chair

Betty Teague

Irene Gottfried

Donna Lemmon

Mark Schilling